



RULE 63 (37 C.F.R. 1.63)
INVENTOR'S DECLARATION FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, mailing address and citizenship are as stated below next to my name, and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

IDENTIFICATION OF NUCLEOTIDE SEQUENCES SPECIFIC FOR MYCOBACTERIA AND DEVELOPMENT OF DIFFERENTIAL DIAGNOSIS STRATEGIES FOR MYCOBACTERIAL SPECIES

the specification of which (check applicable box(es)):

☐ is attached hereto
☒ was filed on February 14, 2002 as U.S. Application Serial No. TO BE ASSIGNED (Atty Dkt. No. 2752-59)
☐ was filed as PCT International application No. _____ on _____
 and (if applicable to U.S. or PCT application) was amended on _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose to the Patent Office all information known to me to be material to patentability as defined in 37 C.F.R. 1.56. I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed or, if no priority is claimed, before the filing date of this application:

| Priority Foreign Application(s): | Country | Day/Month/Year Filed |
|----------------------------------|---------|----------------------|
| Application Number | | |

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

| Application Number | Date/Month/Year Filed |
|--------------------|-----------------------|
| 60/269,848 | 21 February 2001 |
| 60/292,509 | 23 May 2001 |

I hereby claim the benefit under 35 U.S.C. 120/365 of all prior United States and PCT international applications listed above or below:

| Prior U.S./PCT Application(s): | Day/Month/Year Filed | Status: patented pending, abandoned |
|--------------------------------|----------------------|--|
| Application: Serial No. | | |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. And on behalf of the owner(s) hereof, I hereby appoint **NIXON & VANDERHYE P.C., 1100 North Glebe Rd., 8th Floor, Arlington, VA 22201-4714, telephone number (703) 816-4000 (to whom all communications are to be directed)**, and the following attorneys thereof (of the same address) individually and collectively owner's/owners' attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent: Larry S. Nixon, 25640; Arthur R. Crawford, 25327; James T. Hosmer, 30184; Robert W. Faris, 31352; Richard G. Besha, 22770; Mark E. Nusbaum, 32348; Michael J. Keenan, 32106; Bryan H. Davidson, 30251; Stanley C. Spooner, 27393; Leonard C. Mitchard, 29009; Duane M. Byers, 33363; Jeffry H. Nelson, 30481; John R. Lastova, 33149; H. Warren Burnam, Jr. 29366; Mary J. Wilson, 32955; J. Scott Davidson, 33489; Alan M. Kagen, 36178; Robert A. Molan, 29834; B. J. Sadoff, 36663; James D. Berquist, 34776; Updeep S. Gill, 37334; Michael J. Shea, 34725; Donald L. Jackson, 41090; Michelle N. Lester, 32331; Frank P. Presta, 19828; Joseph S. Presta, 35329; Joseph A. Rhoa, 37515; Raymond Y. Mah, 41428; Chris Comuntzis, 31097; Gary T. Tanigawa, 43180. I also authorize Nixon & Vanderhye to delete any attorney names/numbers no longer with the firm and to act and rely solely on instructions directly communicated from the person, assignee, attorney, firm, or other organization sending instructions to Nixon & Vanderhye on behalf of the owner(s).

| | | |
|----|--|-----------------------|
| 1. | Inventor's Signature: <u></u> | Date: <u>25/3/02</u> |
| | Inventor: <u>Jean-Luc</u> <u>Gala</u> (first) (last) MI (state/country) Belgium (citizenship) | |
| | Residence: (city) <u>St.-Stevens-Woluwe</u> (state/country) <u>Belgium</u> | |
| | Mailing Address: <u>24 Countrylaan, St.-Stevens-Woluwe, Belgium</u> | |
| | (Zip Code) <u>B-1932</u> | |
| 2. | Inventor's Signature: <u></u> | Date: <u>27/03/02</u> |
| | Inventor: <u>Pascal</u> <u>Vannuffel</u> (first) (last) MI (state/country) Belgium (citizenship) | |
| | Residence: (city) <u>Buvinnes</u> (state/country) <u>Belgium</u> | |
| | Mailing Address: <u>138 Rue de la Passage Egypte, Buvinnes, Belgium</u> | |
| | (Zip Code) <u>B-7133 BASSE</u> | |

☐ See attached sheet(s) for additional inventor(s) information!!

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Patent Application of:

Attention: Application Branch

GALA et al

Atty. Dkt. 2752-59

Serial No. 10/074,246

Date: April 15, 2002

Filed: February 14, 2002

For: IDENTIFICATION OF NUCLEOTIDE SEQUENCES SPECIFIC FOR
MYCOBACTERIA AND DEVELOPMENT OF DIFFERENTIAL DIAGNOSIS
STRATEGIES FOR MYCOBACTERIAL SPECIES

Assistant Commissioner for Patents
Washington, D.C. 20231

The attached completes filing of the above-identified patent application:

☐ Signed Rule 63 Declaration alone, ☐ Copy of Declaration from prior application alone, OR

☒ Signed Declaration plus attached copy of originally filed specification/drawings.

☐ **NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED** form.

☐ Record the attached assignment and return to the undersigned.

☐ Attached is a Power of Attorney.

☐ Priority is hereby claimed under 35 U.S.C. § 119 based on the following foreign applications:

Application Number

Country

Day/Month/Year Filed

respectively.

☐ Certified copy(ies) of foreign application(s) is/are attached.

☐ Certified copy(ies) filed on _____ in prior application no. _____, filed _____.

☐ Applicant claims "small entity" status. ☐ "Small entity" statement attached.

☐ Please enter the attached and/or below preliminary amendment prior to calculation of filing fee.

☒ Also attached: ☒ **Information Disclosure Statement**; ☐ **Nucleotide and/or Amino Acid
Sequence Submission**; ☐ **Other**:

Fees due are calculated below:

| | | | | | |
|--|----|--------|----|-------------------|-------------|
| Basic filing fee | | | | \$ | 740.00 |
| Total Effective claims | 34 | - 20 = | 14 | x \$ | 18.00 |
| | | | | \$ | 252.00 |
| Independent claims | 16 | - 3 = | 13 | x \$ | 84.00 |
| | | | | \$ | 1,092.00 |
| If any proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) | | | | \$ | 280.00 |
| | | | | FILING FEE | \$ 2,364.00 |

| | | |
|--|-----|----------|
| Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months; \$1440.00/4 months) | \$ | 0.00 |
| Surcharge (\$130.00) if Declaration or filing fee first now submitted | \$ | 130.00 |
| English translation of specification and claims (\$130.00) | \$ | 0.00 |
| FIRST SUBTOTAL | \$ | 2,494.00 |
| If "small entity," enter half (1/2) of subtotal and subtract | -\$ | 0.00 |
| SECOND SUBTOTAL | \$ | 2,494.00 |
| | \$ | 0.00 |
| TOTAL FEE DUE | \$ | 2,494.00 |

| | | |
|--------------------------------|----|---------|
| Check enclosed (Pre-Bill)* | \$ | 2494.00 |
| Check enclosed (non Pre-Bill)* | \$ | |
| TOTAL FEE ENCLOSED | \$ | 2494.00 |

Any future submission requiring an extension of time is hereby stated to include a petition for such time extension. The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

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BJS:eaw

NIXON & VANDERHYTE P.C.

By Atty: B. J. Sadoff, Reg. No. 36,663

Signature: _____

Repln. Refs: 05/01/2002 HPRASASO 0012490500
Dkt: 141140 Name/Number: 10074246
FC: 704 \$108.00 CR

Adjustment to fee: 05/01/2002 HPRASASO
05/17/2002 FEE/10074246
\$252.00 CR
\$3 FC:103